

DRAFT 10-29-13.2

WYOMING GAME AND FISH COMMISSION

CHAPTER 49

REGULATION GOVERNING PRIVATE FISH STOCKING

Section 1. Authority. These regulations are promulgated by authority of Wyoming Statutes §23-1-102(a)(xiv), §23-1-103, §23-1-302, §23-4-101, §23-4-102 and §23-6-207.

~~**Section 2. Regulation and Effective Date.** These regulations are effective January 1, 2012, and shall remain in effect until modified or rescinded by the Commission.~~

Section 32. Definitions. For the purpose of this regulation, definitions ~~shall be as set forth in **Title 23,** Wyoming Statutes, **Title 23 and Wyoming Game and Fish Commission Regulations,** and the Commission also adopts the following definitions:~~ **Definitions** shall be as set forth in **Title 23,** Wyoming Statutes, **Title 23 and Wyoming Game and Fish Commission Regulations,** and the Commission also adopts the following definitions:

~~(a) “Aquatic Invasive Species” means exotic or non native aquatic organisms that pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state. Priority aquatic invasive species include those not known to be present in Wyoming, but have a high potential to invade and other species determined by the Wyoming Game and Fish Commission to be a significant threat.~~

~~(ba)~~ **(b)** “Broker” means an individual or entity that acts as an intermediary between the hatchery of origin and the person possessing a private fish stocking authorization.

~~(eb)~~ **(b)** “Drainage” means the river or stream proper and the area of land, including all streams and standing waters, which drain into that river or stream.

~~(ec)~~ **(c)** “Environmental Assessment” means identification and analysis of potential effects on wildlife resources as defined by the Department.

~~(ed)~~ **(d)** “Fish Stocking” means the release of fish into Wyoming waters.

~~(fe)~~ **(e)** “Private Fish Hatchery” means any aquatic facility not owned or operated by federal, state, local or tribal government agencies used for propagating, rearing or producing any or all life stages of fish.

~~(g) “Transgenic” means modifying the genetics of an organism with inserted deoxyribonucleic acid (DNA) that originated in a different species, using genetic engineering techniques.~~

Section 43. Prohibited Stocking.

(a) No fish, fish eggs, or fish gametes shall be stocked in Wyoming waters unless authorized by the Chief of Fisheries.

(b) No amphibians, mollusks, crustaceans, their viable gametes (eggs and sperm), fertilized eggs, or any hybrid shall be stocked into the waters of the State of Wyoming unless authorized by the Chief of Fisheries.

(c) The possession or stocking of transgenic fish, amphibians, mollusks or crustaceans is prohibited.

(d) No aquatic invasive species or fish that may pose a threat to existing wildlife populations shall be authorized for stocking.

Section 54. Sanction of a Private Fish Hatchery to Stock Fish. Private fish hatcheries within the State of Wyoming shall be licensed to operate and transport fish as defined in Wyoming Game and Fish Commission Regulations. Any private fish hatchery outside the State of Wyoming that meets Commission Regulations regarding the importation and stocking of fish, intending to stock fish in Wyoming shall apply for and receive an importation permit from the Department. Authorization of an importation permit shall be based on the criteria defined for out-of-state private fish hatcheries and approved on an annual basis or as defined by the Department. Failure to comply with any portion of this regulation may result in Department revocation of authorization to stock fish in Wyoming.

Section 65. Application for Authorization to Stock Fish.

(a) Any person intending to stock fish in waters on privately owned lands shall submit an application for Private Fish Stocking Authorization, on forms provided by the Department, to the Chief of Fisheries at least ten (10) business days before the intended stocking date. A separate application is required for each body of water or stream for which fish stocking authorization is requested and for each time stocking is to occur.

(b) The Department may deny an application for private fish stocking if information is falsified on the application, or if the application is not completely and correctly filled out, or if the fish are requested from an unapproved fish hatchery, or if fish species requested are not compatible with species already present in the drainage or conflict with Departmental management goals for the drainage.

Section 76. Terms of Authorization.

(a) Upon approval the applicant shall stock the authorized stocking site within thirty (30) days following the stocking date indicated on the Private Fish Stocking Authorization. If the anticipated stocking date precedes the authorized date or exceeds the thirty (30) day time period, the applicant, owner, lessee, or agent of the approved source shall submit a request for an amended stocking date on the Private Fish Stocking Authorization prior to stocking.

(b) Any alterations or amendments to a Department issued Private Fish Stocking Authorization by the requesting party are prohibited. No deviations from a Private Fish Stocking Authorization shall be permitted. If any changes to an authorization are desired, a new application must be submitted for approval. Upon approval, the original authorization shall be void.

(c) The size, species or source identified on a Private Fish Stocking Authorization are specifically defined by the Chief of Fisheries and shall not deviate from the original authorization without further approval. Number of fish to be stocked may exceed the authorized number by a maximum of ten percent (10%).

Section 87. Types of Fish Stocking. Each fish species transported shall be held in separate containers to facilitate species identification unless the fish in the container are to be stocked into one (1) individual stocking site authorized for multiple species of game fish and all game fish in the container are released at that site. Nongame species shall be held in separate containers from game fish.

(a) Game Fish Stocking. Fish shall meet the size requirements specified on the Private Fish Stocking Authorization by the Department to facilitate species identification.

(b) Nongame Fish Stocking.

(i) Vegetation Control. Only grass carp (*Ctenopharygodon idellus*) that are

Coulter counter certified triploid by the U.S. Fish and Wildlife Service, certified free of Asian tapeworm (*Bothriocephalus acheilognathi*) and are from a source certified free of all life stages of the zebra mussel (*Dreissena polymorpha*) shall be authorized for stocking to control aquatic vegetation. A copy of these certifications must be provided to the Department at least ten (10) working days prior to stocking.

(ii) Mosquito control. Only plains topminnow (*Fundulus sciadicus*) or plains killifish (*Fundulus zebrinus*) shall be authorized for stocking to control mosquitoes. Fish species requested for mosquito control shall be considered for authorization only if that species is 1) native to the drainage, or 2) is established in the drainage and stocking in the locations requested is considered by the Department to be compatible with aquatic species in that drainage.

(iii) Any other nongame fish species requested shall be considered on a case-by-case basis by the Chief of Fisheries.

Section 98. Source of Fish For Stocking. Only fish from Department approved private fish hatcheries, or other approved sources shall be authorized for private fish stocking. A list of approved private fish hatcheries is available from the Department.

Section 109. Transportation of Fish. Vehicles used for the transport of live fish for private fish stocking shall be placarded indicating that the equipment is being used to transport live fish. Letters, numbers, or symbols displayed on the placard shall be at least three (3) inches in height, excluding shading and bordering, and shall be of a color that contrasts with the placard background color. Anyone in the process of transporting fish for the purpose of private stocking must be in possession of a valid Department Private Fish Stocking Authorization and any other permits, receipts, bill of sales, or any other documents required by Wyoming Statute or Wyoming Game and Fish Commission Regulations.

Section 110. Records. Upon completion of fish stocking under a Private Fish Stocking Authorization, the applicant shall, within fifteen (15) days, submit to the Fish Division a copy of the Private Fish Stocking Authorization signed by the applicant, owner, lessee, or agent of the approved source and a copy of a receipt of delivery. In the event that a broker transports or otherwise possesses the fish, the approved applicant shall submit a copy of the Private Fish Hatchery Fish Transportation Receipt signed by the broker, a copy of a receipt of delivery of fish from the approved source provided the broker, and a receipt of delivery from the broker.

Section 121. Transfer to Other Waters Prohibited. Fish stocked under the authority of a Private Fish Stocking Authorization shall only be stocked in the water identified on the authorization. Stocking of fish in other waters or the transfer of stocked fish to any other waters is prohibited.

Section 132. Species New to A Drainage. If an applicant for a private fish stocking authorization requests to stock a fish species not already existing in a drainage, the applicant shall be required to prepare and submit an environmental assessment as defined by the Department at the expense of the applicant. The Department shall review the environmental assessment and private fish stocking authorization application for final approval or denial.

Section 143. Removal of Unauthorized Species. Stocking of unauthorized fish species may require removal of said species or complete depopulation within a time frame and method determined by the Department at the expense of the private fish stocking applicant.

Section 15. Violation of Commission Regulations. ~~Failure to abide by the provisions of this regulation shall be punishable as provided by Wyoming Statutes for violation of Commission regulations.~~

Section 16. Savings Clause. ~~If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end the provisions of this regulation are~~

~~severable.~~

WYOMING GAME AND FISH COMMISSION

By: _____
~~Fred Lindsey~~ Mike Healy, President

Dated: ~~November 17, 2014~~ January 22, 2014